

STATE OF MICHIGAN
COURT OF APPEALS

PALMS INVESTMENT L.L.C., d/b/a PALMS
APARTMENTS,

UNPUBLISHED
May 27, 2008

Petitioner-Appellee,

v

DETROIT WATER & SEWERAGE
DEPARTMENT,

No. 273438
Wayne Circuit Court
LC No. 05-509995-CZ

Respondent-Appellant.

Before: Fort Hood, P.J., and Talbot and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right from the stipulated final order of injunction. We vacate the \$1,500 award rendered against respondent and dismiss the action as moot.

Petitioner filed a request to enjoin respondent from shutting off the water supply to petitioner's apartment building. The trial court granted an injunction to allow for an administrative hearing to determine the amount due and owing. After a decision in the administrative hearing, the trial court extended the injunction to allow for an appeal of the administrative ruling. On appeal, the trial court¹ substantially reduced the amount due and owing. This Court vacated the trial court's decision in the appeal of the administrative hearing.² The parties then stipulated to a final order of injunction, preventing respondent from shutting off the water supply to petitioner until further order of the trial court.

Respondent contends that the trial court erred by granting the initial injunction and extending the injunction. These issues are moot because the injunctions expired and were superseded by the parties' final stipulated injunction. See *Acorn Building Components, Inc v Local Union No 2194, UAW*, 164 Mich App 358, 363; 416 NW2d 442 (1987). Similarly, the

¹ The judge who granted petitioner injunctive relief also presided over the claim of appeal involving the disputed water bills.

² *Palms Investments LLC v City of Detroit Water & Sewage Dep't*, unpublished order of the Court of Appeals, issued November 22, 2006 (Docket No. 270491).

challenge to the denial of the motion for summary disposition is also moot in light of the stipulation. Courts do not “reach moot questions or declare principles or rules of law that have no practical legal effect.” *Federated Publications, Inc v Lansing*, 467 Mich 98, 112; 649 NW2d 383 (2002). In the present case, petitioner did not file a complaint alleging causes of action, but merely sought injunctive relief. Injunctive relief was granted while administrative proceedings were held to resolve the issue of the amount owed to respondent. Those proceedings have been resolved.³ Consequently, there is no case or controversy pending before us, and there is no basis for injunctive relief to continue.⁴ However, we vacate the award of \$1,500 contained in the final stipulated injunctive order. Review of the record reveals that the motion and argument raised by respondent in the motion for summary disposition was not merely repetitive of the issues raised at the hearing regarding the initial injunction.

Vacated in part, dismissed as moot. We do not retain jurisdiction.

/s/ Karen M. Fort Hood

/s/ Michael J. Talbot

/s/ Stephen L. Borrello

³ Petitioner’s contention that other proceedings will commence and continue, including a writ of superintending control, are not facts of record and do not alter our holding.

⁴ Injunctive relief is equitable and extends only in cases of great injury where an adequate remedy in monetary damages is unavailable. See *Edwards v Allouez Mining Co*, 38 Mich 46, 50 (1878). Petitioner has not demonstrated an inadequate remedy at law, *Acorn*, *supra* at 366, and the residents of the apartment building did not seek to intervene in the petition.